

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL ROLAND JOHNSON,)	
)	
Petitioner)	Case No. 1:22-cv-291
)	
v.)	
)	RICHARD A. LANZILLO
MELINDA ADAMS, JOSHUA)	Chief United States Magistrate Judge
SHAPIRO, <i>Attorney General of the</i>)	
<i>State of Pennsylvania, DISTRICT</i>)	
ATTORNEY OF ERIE COUNTY,)	MEMORANDUM OPINION
)	ON PETITION FOR WRIT OF
Respondents)	HABEAS CORPUS (ECF No. 1)
)	

MEMORANDUM OPINION

Before the Court is a petition for a writ of habeas corpus filed by Petitioner Michael Roland Johnson.¹ It appearing that Petitioner's claims were subject to dismissal as untimely pursuant to the limitations period set forth in the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244(d), the Court issued a Memorandum and Show Cause Order on January 7, 2025, setting forth the relevant timeliness analysis and allowing Petitioner an opportunity to respond on or before February 18, 2025. ECF No. 14. Petitioner has not responded.

Accordingly, for the reasons set forth in its previous Memorandum, this Court will dismiss the habeas claims as untimely.

No certificate of appealability will issue in this case. AEDPA codified standards governing the issuance of a certificate of appealability for appellate review of a district court's disposition of a habeas petition. It provides that "[a] certificate of appealability may issue...only if the applicant has made a

¹ The parties have consented to the jurisdiction of a United States Magistrate Judge as authorized by 28 U.S.C. § 636.

substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a [certificate of appealability] should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because jurists of reason would not find it debatable whether Petitioner’s claims should be denied as untimely, a certificate of appealability will be denied with respect to each claim.

An appropriate Order follows.



RICHARD A. LANZILLO
Chief United States Magistrate Judge

Dated: March 11, 2025